

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6581

BILL NUMBER: HB 1075

NOTE PREPARED: Dec 21, 2011

BILL AMENDED:

SUBJECT: Offenses Against Law Enforcement Animals.

FIRST AUTHOR: Rep. Neese

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ GENERAL
☒ DEDICATED
☐ FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill makes it a Class D felony instead of a Class A misdemeanor for a person to knowingly or intentionally: (1) strike, torment, injure, or otherwise mistreat a law enforcement animal; or (2) interfere with the actions of a law enforcement animal while the animal is engaged in assisting a law enforcement officer in the performance of the officer's duties.

Effective Date: July 1, 2012.

Explanation of State Expenditures: There are no data available to indicate how many offenders may be convicted of a Class D felony instead of a Class A misdemeanor for striking, tormenting, injuring, or otherwise mistreating a law enforcement animal or interfering with the action of a law enforcement animal. [Current statute includes an enhanced penalty when the offense results in serious permanent disfigurement, unconsciousness, bodily injury, or death of the law enforcement animal.]

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$18,836 in FY 2011. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost per offender for medical care, food, and clothing is approximately \$3,318 annually, or \$9.09 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,591 in FY 2011. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger

criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association.

Fiscal Analyst: Chuck Mayfield, 317-232-4825.